

REMARKS

A Request For A One Month Extension Of Time is submitted herewith, along with the required extension fee of \$60.00.

Applicant respectfully requests reconsideration of the rejection of Claims 1-12 present in this application.

The Examiner has rejected Claims 1, 2, 7 and 12 under 35 U.S.C. 102(b) as being anticipated by the Farkas reference (US 4,947,795). The Examiner states that Claims 1 and 2 are anticipated by Farkas in that Farkas “teaches a method” of operating an electronic apparatus to control to vocalizing by a dog. The Examiner proceeds to enumerate the elements of the apparatus described in the Farkas reference.

The Examiner continues to recite the teachings of Farkas by stating “the method comprising electronically converting sounds from the dog into a sequence of signals, operating the controller to determine frequency, operating the controller to determine sub-ranges, then incrementing totals of the frequencies, determining whether the barking sounds constitute valid bark, operating the microcontroller to cause appropriate stimulus to the animal...”.

The Examiner continues with the application of Farkas to Claims 7 and 12 and states that “Farkas has control circuitry electronically converting sounds from the dog into a sequence of

signals, the controller executing a stored program to determine frequencies, the controller executing stored program to determine sub-ranges and incrementing totals of the frequencies,...". The Examiner has referred to column 3, lines 35-68 and columns 4, 5 and 6 all lines of the Farkas reference.

The Examiner has rejected Claims 3 - 6, and 8-11 under 35 U.S.C. 103(a) as being unpatentable over the same Farkas reference. The Examiner has indicated that Farkas is silent about the range of frequencies identified in the present application but proceeds to argue that such range is obvious to one of ordinary skill in the art based on the assumption that routine testing under general experimental conditions such frequency ranges involve only routine skill in the art.

Regarding Claims 1, 2, 7 and 12:

The Farkas reference does not "operate a controller to determine frequencies". It does not operate the controller to determine sub-ranges, and it does not increment the total of the frequencies to determine whether the barking sound constitutes a valid bark. It is not understood how the language indicated by the Examiner (columns 4, 5 and 6, all lines) can be interpreted to provide the recited functions. There is no suggestion anywhere in the prior art for the utilization of a controller to determine if each of the measured frequencies determined during a predetermined interval fall within a plurality of predetermined frequency sub-ranges, and if so, then incrementing cumulative total of frequencies which lie in the sub-ranges respectively to

provide a plurality of cumulative totals that represent a frequency spectrum of vocalizing sounds. This analysis and inspection of vocalized sounds is then compared to determine whether or not the sounds constitute a valid bark that has been pre-selected. The Farkas reference, and the remainder of prior art known to applicant, are silent as to the method or the respective steps of the method. It is not seen how the Farkas reference, which is sensitive to an initial “onset of barking”, produces a low initial stimulus, and then subsequently sequentially increases the stimulation level upon subsequent onsets of barking episodes, can be shown to evaluate any such barking to be a valid bark based upon measured frequencies, frequency sub-ranges, and comparison to an acceptable range of a frequency spectrum. There is nothing in the Farkas reference that suggests any analysis of the detected bark signal and certainly nothing to suggest determining whether or not a measured frequency of vocalizing sounds from the dog to determine frequency sub-ranges are encountered, and then increment the cumulative total of the respective frequencies which lie in the sub-ranges to achieve the cumulative total representing a frequency spectrum of the vocalized sounds and subsequently determining whether or not that frequency spectrum compares favorably to a predetermined frequency spectrum representing a valid bark.

With respect to Claims 7 and 12 the same comments as above are applicable. There is nothing in the cited art that directs one skilled in the art to convert vocalizing sounds from the dog into a sequence of corresponding signals representing the frequencies of the vocalizing sounds, and providing the sequence of signals as an input to a controller wherein each frequency within a plurality of predetermined frequency sub-ranges is examined to ascertain if the detected

sequence of corresponding signals falls within predetermined sub-ranges and incrementing the cumulative totals of the frequencies in each of the sub-ranges.

With regard to Claims 3-6, 8-11, the comments above with regard to the lack in the prior art of the method for operating the electronic apparatus including converting vocalized sounds from a dog into sequence of signals representing frequencies and determining if the measured frequencies lie within any of a plurality of predetermined frequency sub-ranges and subsequently incrementing cumulative totals of the frequencies followed by the comparison of the resulting representation of a frequency spectrum to a predetermined valid bark frequency spectrum, is equally applicable with regard to these claims. In addition, the Examiner states that the particular frequency ranges or sub-ranges are obvious since it is represented that only routine testing in general experimental conditions are necessary to discover the optimum or workable value ranges. It is respectfully submitted that the basic concept enumerated in the independent claims discussed above are clearly patentable and are not suggested nor taught by any prior art cited or known to applicant. The dependent claims reciting specific frequency ranges are not themselves the only element of novelty in the claimed method. It is believed that these dependent claims are patentable in view of the patentability of their respective parent claims.

Applicant notes the provisional double patenting rejection of Claims 7 and 12 over Claims 1-2, 4 of co-pending application No. 10/752,795. Applicant will file an appropriate

Terminal Disclaimer when any conflicting claims have been allowed.

Respectfully submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.

A handwritten signature in black ink, appearing to be 'W. Cahill', written over the printed name.

William C. Cahill
Registration No. 19,742

2141 East Highland Avenue
155 Park One
Phoenix, Arizona 85016
(602) 956-7000
Docket No. 2973-A-36